
STATUTORY INSTRUMENTS

2004 No. 787

**CRIMINAL LAW, ENGLAND AND WALES
CRIMINAL LAW, NORTHERN IRELAND**

**The Crime (International Co-operation)
Act 2003 (Savings) Order 2004**

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| <i>Made</i> | - - - - | <i>16th March 2004</i> |
| <i>Laid before Parliament</i> | | <i>24th March 2004</i> |
| <i>Coming into force</i> | - - | <i>26th April 2004</i> |

In exercise of the powers conferred on him by section 93 of the Crime (International Co-operation) Act 2003(1), the Secretary of State, being the appropriate Minister within the meaning of section 93(2) of that Act, hereby makes the following Order:

1.—(1) This Order may be cited as the Crime (International Co-operation) Act 2003 (Savings) Order 2004 and shall come into force on 26th April 2004.

(2) This Order shall not extend to Scotland.

2.—(1) In this Order—

“the 1990 Act” means the Criminal Justice (International Co-operation) Act 1990(2); and

“the 2003 Act” means the Crime (International Co-operation) Act 2003.

(2) A reference in this Order to the coming into force of a provision of the 2003 Act is a reference to that provision being brought into force by the Crime (International Co-operation) Act 2003 (Commencement No. 1) Order 2004(3).

3.—(1) The coming into force of the repeals made by Schedule 6 to the 2003 Act which are listed in paragraph (2) and of the paragraphs of Schedule 5 to the 2003 Act which are listed in paragraph (3) shall not affect—

(a) any process (including a summons) or other document to which section 1 of the 1990 Act applies and which is received by the Secretary of State prior to 26th April 2004;

(1) 2003 c. 32.
(2) 1990 c. 5.
(3) S.I.2004/786 (C. 32).

- (b) any summons or order to which section 2 of the 1990 Act applies and which is issued or made prior to 26th April 2004;
 - (c) any letter of request issued under section 3 of the 1990 Act prior to 26th April 2004;
 - (d) any nomination made by the Secretary of State under section 4(2) of the 1990 Act prior to 26th April 2004;
 - (e) any reference to the Director of the Serious Fraud Office under section 4(2A) of the 1990 Act⁽⁴⁾ of a request to which section 4(1) of that Act applies or part of such a request made prior to 26th April 2004;
 - (f) any warrant issued or order made by virtue of section 7 of the 1990 Act prior to 26th April 2004.
- (2) The repeals in Schedule 6 to the 2003 Act which are referred to in paragraph (1) are those relating to—
- section 2 of the Criminal Justice Act 1987⁽⁵⁾;
 - sections 1 to 4 and 7 of, and Schedules 1 and 4 to, the 1990 Act;
 - section 164(1) of the Criminal Justice and Public Order Act 1994⁽⁶⁾; and
 - paragraph 49 of Schedule 1 to the Criminal Justice and Police Act 2001⁽⁷⁾.
- (3) The paragraphs of Schedule 5 to the 2003 Act which are referred to in paragraph (1) are—
- paragraph 12;
 - paragraphs 14 to 16;
 - paragraphs 39 and 40; and
 - paragraphs 42 and 44.
4. The coming into force of the repeal of the provisions of the 1990 Act which are set out in Schedule 6 to the 2003 Act shall not apply in respect of any such provision as applied by Order in Council under section 32(4) of the 1990 Act⁽⁸⁾.

Home Office
16th March 2004

Caroline Flint
Parliamentary Under-Secretary of State

(4) Section 4(2A) was inserted by section 164(1) of the Criminal Justice and Public Order Act 1994 (c. 33).
(5) 1987 c. 38.
(6) 1994 c. 33.
(7) 2001 c. 16.
(8) Section 32(4) has been amended but the amendment is not relevant to the subject matter of this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

Sections 1 to 4 and 7 of the Criminal Justice (International Co-operation) Act 1990 (“the 1990 Act”) which provide for mutual assistance in criminal matters have been replaced by provisions in Part 1 of the Crime (International Co-operation) Act 2003 and repealed by Schedule 6 to that Act. Those repeals are brought into force by the Crime (International Co-operation) Act 2003 (Commencement No. 1) Order 2004 on 26th April 2004. Article 3 of this Order provides savings in respect of mutual assistance which is being given in response to process, summonses, warrants and other requests received before that date.

Section 32(4) of the 1990 Act enables any provision of that Act to be extended by Order in Council to any of the Channel Islands, the Isle of Man or any colony. Article 4 of this Order disapplies the repeal of any provision of the 1990 Act which has been so extended in respect of its extension by such an Order in Council.